

THURSDAY, JUNE 14, 2001
FORTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Davis (Washington).

Representative Davis (Washington) led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative L. DeBerry; personal reasons.

Representative Dunn; personal reasons.

Representative Odom; business reasons.

Representative Todd; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 550: Rep(s). Baird as prime sponsor(s).

House Joint Resolution No. 554: Rep(s). Black as prime sponsor(s).

House Joint Resolution No. 561: Rep(s). Ridgeway and Shepard as prime sponsor(s).

House Bill No. 1559: Rep(s). Stanley as prime sponsor(s).

ENROLLED BILLS

June 12, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 538, 680; House Joint Resolution(s) No(s). 162, 209; also, House Resolution(s) No(s). 148.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 12, 2001

The Speaker signed the following: House Bill(s) No(s). 538, 680; House Joint Resolution(s) No(s). 162, 209; also, House Resolution(s) No(s). 148.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 538, 680; also, House Joint Resolution(s) No(s). 162 and 209; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 12, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 538, 680; also, House Joint Resolution(s) No(s). 162 and 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

June 12, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 799, 986, 1585, 1735 and 1843, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

June 12, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 464, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

June 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1728 and 1984; also, Senate Joint Resolution(s) No(s). 386, 387, 388, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 416, 417, 418, 421, 427 and 428 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

SIGNED

June 12, 2001

The Speaker signed the following: Senate Bill(s) No(s). 1728 and 1984; also, Senate Joint Resolution(s) No(s). 386, 387, 388, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 416, 417, 418, 421, 427 and 428.

MESSAGE FROM THE GOVERNOR

June 13, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 162 and 531, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 420, 422, 423, 424, 425, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445 and 446; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 420 -- Memorials, Recognition - Fraternal Order of Police Frank Clement Lodge #38 of Crossville. by *Davis L, *Kyle.

Senate Joint Resolution No. 422 -- Memorials, Recognition - Sam Delk Kennedy and Elizabeth "Betty" Ridley Finney Kennedy for lifetime achievements. by *Jackson, *Blackburn, *Henry.

Senate Joint Resolution No. 423 -- Memorials, Retirement - Roger Thackston. by *Davis L.

Senate Joint Resolution No. 424 -- Memorials, Retirement - Farrell W. Kennedy. by *Davis L.

Senate Joint Resolution No. 425 -- Memorials, Death - Dr. Joe Harold Hunt. by *Wilder.

Senate Joint Resolution No. 429 -- Memorials, Retirement - Berniece Atkinson. by *Davis L.

Senate Joint Resolution No. 430 -- Memorials, Death - Maude Alice Sellers Crookshanks. by *Crowe.

Senate Joint Resolution No. 431 -- Memorials, Death - Robert T. Dennis. by *Crowe.

Senate Joint Resolution No. 432 -- Memorials, Professional Achievement - Rev. Reggie Weems. by *Crowe.

Senate Joint Resolution No. 433 -- Memorials, Death - Beth Parsons Maloan. by *Herron.

Senate Joint Resolution No. 434 -- Memorials, Academic Achievement - Robert Paul Leyhue, Valedictorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 435 -- Memorials, Academic Achievement - Mary Beth Clapp, Valedictorian, Obion County Central High School. by *Herron.

Senate Joint Resolution No. 436 -- Memorials, Academic Achievement - Amanda Haynes, Salutatorian, Obion County Central High School. by *Herron.

Senate Joint Resolution No. 437 -- Memorials, Academic Achievement - Daniel Armstrong, Salutatorian, Big Sandy High School. by *Herron.

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Senate Joint Resolution No. 438 -- Memorials, Academic Achievement - Maria Darlene Branca, Top Ten Student, Dyer County High School. by *Herron.

Senate Joint Resolution No. 439 -- Memorials, Death - Brian Brown. by *Herron.

Senate Joint Resolution No. 440 -- Memorials, Academic Achievement - Carole Marie Chase, Top Ten Student, Dyer County High School. by *Herron.

Senate Joint Resolution No. 441 -- Memorials, Academic Achievement - Elizabeth Anne Ross, Top Ten Student, Dyer County High School. by *Herron.

Senate Joint Resolution No. 442 -- Memorials, Academic Achievement - Laura Jo Harber, Salutatorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 443 -- Memorials, Academic Achievement - Mitchum Lee Owen, Valedictorian, Henry County High School. by *Herron.

***Senate Joint Resolution No. 444** -- Highway Signs - "Clarence J. Rutherford Bridge," S.R. 394 in Sullivan County. by *Ramsey.

***Senate Joint Resolution No. 445** -- Highway Signs - "Great Stage Road," S.R. 126 in Blountville, Sullivan County. by *Ramsey.

***Senate Joint Resolution No. 446** -- Highway Signs - "Pfc. Dave C. Hinkle Memorial Bridge," State Route 44 in Sullivan County. by *Ramsey.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 450; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 450 -- Memorials, Recognition - Sweet Fanny Adams Theatre. by *Atchley, *Clabough, *Williams, *Burchett.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 448 and 449; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 448 -- Memorials, Recognition - Lisa Tollett. by *Davis L.

Senate Joint Resolution No. 449 -- Memorials, Retirement - Maxine Drake. by *Davis L.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Reps. Kisber and McDaniel were recognized in the Well to introduce members of the sister-state program between the Tennessee National Guard and the Bulgarian Military, for remarks.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 551** -- Highway Signs - "Fred Clark Memorial Highway," S.R. 141 in Macon County. by *Buck, *Winningham.

House Finance, Ways and Means Committee

***House Joint Resolution No. 557** -- General Assembly, Directed Studies - Creates special joint committee to study election laws and effect of automation on electoral process. by *Head.

House Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 18, 2001:

House Resolution No. 153 -- Memorials, Personal Occasion - Lee Moss, 50th birthday. by *Hood, *Rowland, *Beavers.

House Resolution No. 154 -- Memorials, Recognition - Fran Crosslin and others from Wartrace area attempting to secure city water service. by *Briley.

House Joint Resolution No. 558 -- Memorials, Personal Achievement - Gabriel Sewell, Eagle Scout. by *Turner (Hamilton).

House Joint Resolution No. 559 -- Memorials, Death - "Millie the Calf". by *Bone, *Givens, *McDaniel, *Walker, *Bowers, *Windle, *Baird, *Goins.

House Joint Resolution No. 562 -- Memorials, Professional Achievement - Helen Lee, Cleveland City School System 2002 Teacher of the Year Nominee. by *Bunch.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 18, 2001:

Senate Joint Resolution No. 450 -- Memorials, Recognition - Sweet Fanny Adams Theatre. by *Atchley, *Clabough, *Williams, *Burchett.

Senate Joint Resolution No. 448 -- Memorials, Recognition - Lisa Tollett. by *Davis L.

Senate Joint Resolution No. 449 -- Memorials, Retirement - Maxine Drake. by *Davis L.

Senate Joint Resolution No. 420 -- Memorials, Recognition - Fraternal Order of Police Frank Clement Lodge #38 of Crossville. by *Davis L, *Kyle.

Senate Joint Resolution No. 422 -- Memorials, Recognition - Sam Delk Kennedy and Elizabeth "Betty" Ridley Finney Kennedy for lifetime achievements. by *Jackson, *Blackburn, *Henry.

Senate Joint Resolution No. 423 -- Memorials, Retirement - Roger Thackston. by *Davis L.

Senate Joint Resolution No. 425 -- Memorials, Death - Dr. Joe Harold Hunt. by *Wilder.

Senate Joint Resolution No. 429 -- Memorials, Retirement - Berniece Atkinson. by *Davis L.

Senate Joint Resolution No. 430 -- Memorials, Death - Maude Alice Sellers Crookshanks. by *Crowe.

Senate Joint Resolution No. 431 -- Memorials, Death - Robert T. Dennis. by *Crowe.

Senate Joint Resolution No. 432 -- Memorials, Professional Achievement - Rev. Reggie Weems. by *Crowe.

Senate Joint Resolution No. 433 -- Memorials, Death - Beth Parsons Maloan. by *Herron.

Senate Joint Resolution No. 434 -- Memorials, Academic Achievement - Robert Paul Leyhue, Valedictorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 435 -- Memorials, Academic Achievement - Mary Beth Clapp, Valedictorian, Obion County Central High School. by *Herron.

Senate Joint Resolution No. 436 -- Memorials, Academic Achievement - Amanda Haynes, Salutatorian, Obion County Central High School. by *Herron.

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Senate Joint Resolution No. 437 -- Memorials, Academic Achievement - Daniel Armstrong, Salutatorian, Big Sandy High School. by *Herron.

Senate Joint Resolution No. 438 -- Memorials, Academic Achievement - Maria Darlene Branca, Top Ten Student, Dyer County High School. by *Herron.

Senate Joint Resolution No. 439 -- Memorials, Death - Brian Brown. by *Herron.

Senate Joint Resolution No. 440 -- Memorials, Academic Achievement - Carole Marie Chase, Top Ten Student, Dyer County High School. by *Herron.

Senate Joint Resolution No. 441 -- Memorials, Academic Achievement - Elizabeth Anne Ross, Top Ten Student, Dyer County High School. by *Herron.

Senate Joint Resolution No. 442 -- Memorials, Academic Achievement - Laura Jo Harber, Salutatorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 443 -- Memorials, Academic Achievement - Mitchum Lee Owen, Valedictorian, Henry County High School. by *Herron.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 229** -- General Assembly, Studies - Creates special joint committee to study establishment of Birth-Related Neurological Injury Fund. by *Person.

House Health and Human Resources Committee

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2030, was/were referred to the Delayed Bills Committee.

***House Bill No. 2030** -- Bail, Bail Bonds - Authorizes optional bail bond procedure for any person who is permitted to execute bail bond for appearance in general sessions court of Overton County. Amends TCA Title 40, Chapter 11, Part 1. by *Windle.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1443 -- Criminal Offenses - Imposes stronger penalty for and broadens definition of custodial interference. Amends TCA Section 39-13-306. by *Person. (*HB249 by *Scroggs, *Kent)

Senate Bill No. 1555 -- Adoption - Creates standby adoption under which terminally ill parent may consent to change in custody and termination of parental rights upon death of parent; authorize adoption of certain persons available for adoption. Amends TCA Title 36, Chapter 1. by *Ford J. (*HB607 by *DeBerry L)

Senate Bill No. 1758 -- TennCare - Requires any waiver submitted pursuant to recommendation of long-term care services planning council to allocate funds equitably between urban and rural areas. Amends TCA Title 4; Title 56; Title 68 and Title 71. by *Haun, *Burks. (*HB1515 by *Head)

Senate Bill No. 1801 -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by *Dixon. (*HB1548 by *Buck, *Jones U (Shelby), *DeBerry J, *Miller L, *Pleasant, *Kent, *Cole (Carter))

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 13, 2001**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1500, House Joint Resolution(s) No(s). 337, 210, 87, 557, 308, House Resolution(s) No(s). 58, also House Joint Resolution(s) No(s). 96 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **June 14, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for June 18, 2001**: House Joint Resolution(s) No(s). 96, House Bill(s) No(s). 708, 2018, 975 and 1500.

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for June 21, 2001**: House Bill(s) No(s). 980, 932 and 933.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **June 18, 2001**: Senate Joint Resolution(s) No(s). 58, House Joint Resolution(s) No(s). 308, 557, 87, 210 and 337.

CONSENT CALENDAR

House Resolution No. 149 -- Memorials, Recognition - Clarkrange High School Chess Team. by *Windle.

House Resolution No. 150 -- Memorials, Death - James Neal Markwood. by *Windle.

House Resolution No. 151 -- Memorials, Death - Hart Hastings. by *Phillips.

House Resolution No. 152 -- Memorials, Recognition - Annual Men's Day Celebration. by *Pruitt.

House Joint Resolution No. 550 -- Memorials, Personal Achievement - Mary Gillum, NAPIL Fellowship for Equal Justice Award Recipient. by *Goins.

House Joint Resolution No. 553 -- Memorials, Retirement - Mary Burchard. by *Maddox, *Pinion, *Ridgeway.

House Joint Resolution No. 554 -- Memorials, Recognition - St. Luke African Methodist Episcopal Church. by *McDonald, *Bone, *West, *Williams (Williamson), *Newton.

House Joint Resolution No. 555 -- Memorials, Sports - Beech High School Softball Team, 2001 TSSAA Class AAA State Champions. by *McDonald, *Black, *Williams (Williamson), *Newton.

House Joint Resolution No. 556 -- Memorials, Sports - Kristin Furman, Belmont University Athletic Scholarship Recipient. by *Hargett.

***House Bill No. 2019** -- Paris - Pursuant to local request, revises tax rate in Paris Special School District. Amends TCA Chapter 150 of the Private Acts of 1919. by *Ridgeway. (SB1987 by *Herron)

House Bill No. 2026 -- Giles County - Subject to local approval, establishes Southern Water Authority. by *Fowlkes. (SB1990 by *Cooper J)

On motion, House Bill No. 2026 was made to conform with **Senate Bill No. 1990**; the Senate Bill was substituted for the House Bill.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes94
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by *Buck, *Jones U (Shelby), *DeBerry J, *Miller L, *Pleasant, *Kent, *Cole (Carter). (SB1801 by *Dixon)

Further consideration of House Bill No. 1548 previously considered on May 17, 2001, May 24, 2001, May 29, 2001, June 4, 2001, June 7, 2001 and June 11, 2001, at which time the House placed Amendment(s) No(s). 1 at the heel of the Amendments and was on the motion to adopt Amendment(s) No(s). 2 when the bill was reset for today's Calendar.

Rep. Buck requested that House Bill No. 1548 be moved to the heel of the Message Calendar.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 525** -- Attorneys at Law - Defines "guardian ad litem" as person licensed to practice law in Tennessee; permits appointment of lay guardian ad litem for certain roles in certain proceeding related to minor; expands definition of "CASA worker" to include other training, education and experience. Amends TCA Title 36 and Title 37. by *Chumney, *Bunch. (SB1419 by *Person)

Further consideration of House Bill No. 525 previously considered on June 11, 2001, at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 525 by adding the following preamble:

WHEREAS, guardians ad litem perform many valuable roles pursuant to court appointment and the term "guardian ad litem" is, in some instances, used in the Tennessee statutes without a clear definition as to the role or roles to be performed by a court appointed guardian ad litem and without a clear indication of whether being a licensed attorney is a required qualification to serve as a guardian ad litem; and

WHEREAS, it is appropriate that the general assembly should study issues pertaining to guardians ad litem to determine if enactment of new laws or amendment of existing laws is needed; now therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. (a) There is established a study committee to examine all issues pertaining to the appointment of, and functions to be performed by, guardians ad litem, which shall include but not be limited to issues pertaining to appointment of guardians ad litem on behalf of a minor child in domestic and juvenile court proceedings.

(b) The committee shall consist of two (2) members of the house children and family affairs committee and one (1) member of the house judiciary committee, each of whom shall be appointed by the speaker of the house of representatives; and three (3) members of the senate judiciary committee, each of who shall be appointed by the speaker of the senate. Any vacancy in the membership shall be filled in the same manner as the original appointment.

(c) All members shall serve without compensation, but shall be eligible for reimbursement for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(d) The initial meeting of the committee shall be convened by the chair of the house children and family affairs committee, who shall serve as chair of the study committee. The members may select other officers as needed.

(e) State departments and agencies shall assist the committee consistent with currently available resources. The department of children services shall provide technical assistance and support as may be necessary for the committee to perform its duties.

(f) The committee may meet and hold hearings at the places it designates during the sessions or recesses of the general assembly.

(g) Upon the conclusion of its study and assessment, the committee shall report its findings, along with any legislative recommendations it may have, to the governor, the children and family affairs and judiciary committees of the house of representatives, and the judiciary committee of the senate, by no later than January 15, 2002.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and is hereby repealed twelve (12) months following such effective date.

Rep. Chumney moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 525**, which motion prevailed by the following vote:

Ayes92
Noes2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Brooks, Towns -- 2.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1603 -- Firefighters - Requires any municipal corporation or other political subdivision of state which maintains regular fire department with full-time employees, upon written request of any such employee, to make monthly deductions of membership dues for employee association if association's current membership is not less than 10 percent of qualified employees. Amends TCA Title 7, Chapter 51, Part 2. by *Jones, S., *Langster, *West, *Turner (Davidson), *Newton, *Briley, *Jones U (Shelby), *Pruitt, *Miller L, *Tindell, *Odom, *Turner (Hamilton), *Pleasant, *Cooper B. (*SB1366 by *Jackson, *Haynes, *Davis L)

Senate Amendment No. 3

AMEND House Bill No. 1603 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-51-204, is amended by deleting such section in its entirety and substituting instead the following:

7-51-204. (a) (1) Any municipal corporation or other political subdivision of the state which maintains a regular fire department with regular full-time employees shall, upon the written request of any such employee, make monthly deductions of membership dues for an employee association if the chief administrative officer of the employee association has previously certified to the chief executive officer of the municipality or political subdivision that the association's current membership is not less than forty percent (40%) of all the employees of the municipality or political subdivision who qualify for membership.

(2) Such deductions shall be made by the municipality or other political subdivision from each regular paycheck and shall be remitted to the employee association within thirty (30) days after the deduction is made.

(3) Authorization for such payroll deduction shall continue in effect until the next regular pay period following the thirtieth day after receipt by the municipality or other political subdivision of a written revocation signed by the employee.

(b) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to that end the provisions of this section are declared to be severable.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. S. Jones moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1603**, which motion prevailed by the following vote:

Ayes	73
Noes	11
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Baird, Bittle, Clem, Davis (Washington), Goins, Hagood, Scroggs, Sharp, Stanley, Walker, Wood -- 11.

Representatives present and not voting were: Boyer, Bunch, Kisber -- 3.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1678 -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by *Maddox, *McDaniel, *Fitzhugh, *Boyer, *Ridgeway, *Shepard, *Pinion, *Roach, *McKee, *Briley, *Vincent. (*SB1717 by *McNally, *Herron, *Williams, *Miller J, *Burks)

Senate Amendment No. 7

AMEND House Bill No. 1678 by deleting the language added by House Amendment No. 1 (draft #00655597)

Senate Amendment No. 9

AMEND House Bill No. 1678 by deleting the following Sections of the bill as amended which read as follows:

Section _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) according to the 2000 federal census or any subsequent federal census.

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

Senate Amendment No. 11

AMEND House Bill No. 1678 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-501, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Gambling is contrary to the public policy of this state and shall mean risking anything of value for a profit whose return is to any degree contingent on chance or any games of chance associated with casinos including but not limited to slot machines, roulette wheels and the like. For the purposes of this chapter gambling does not include:

(A) A lawful business transaction;

(B) Annual events operated for the benefit of charitable 501(c)(3) organizations that are authorized pursuant to a two-thirds (2/3) approval of the general assembly, so long as such events are not prohibited by the Constitution; and

(C) A state lottery of the type such as is in operation in Georgia, Kentucky, and Virginia in 2000 and authorized by amendment to the Constitution, if such lottery is approved by the general assembly.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

Senate Amendment No. 12

AMEND House Bill No. 1678 by inserting the following new sections immediately preceding the final section and by renumbering the final section accordingly:

SECTION 2. There is hereby created a special joint committee to study issues relating to the implementation of a state lottery. In the course of such study, the special joint committee shall conduct:

(1) An assessment of the current state of:

(A) Higher education in Tennessee;

(B) Tennessee-funded college scholarship programs, including the amount of debt incurred by Tennessee college students and its effect upon such students pre-graduation and post-graduation;

(C) Kindergarten through grade twelve (K-12) educational facilities;

(D) Early learning programs; and

(E) After school programs.

(2) An analysis of the benefit from projected lottery revenues to the institutions, individuals, projects and programs assessed in item (1).

(3) An examination of the creation and implementation of lotteries in Georgia, Kentucky, Virginia and South Carolina, including the statutory and regulatory authority for each;

(4) An inquiry into measures and initiatives used in other states to combat compulsive gambling and other social concerns associated with gaming;

(5) An assessment of the Hope Scholarship Program in the state of Georgia as well as similar lottery-funded scholarship programs in other states and the effect of such scholarship programs on high school and college performance, as well as on graduation rates;

(6) An estimation of the amount of revenue lost to surrounding states due to Tennesseans playing those states' lotteries and an estimation of other revenues lost due to ancillary spending by Tennesseans when playing such lotteries; and

(7) An evaluation of all other issues deemed appropriate by the committee.

SECTION 3. The committee created by this act shall consist of seven (7) members of the house of representatives and seven (7) members of the senate, to be appointed by the respective speakers.

SECTION 4. All appropriate state agencies shall provide assistance to the special joint committee created by this act upon request of the chair. The member of the general assembly with the most continuous service in the general assembly shall convene the initial meeting of the special joint committee.

SECTION 5. All legislative members of the special joint committee, who are duly elected members of the general assembly, shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

Rep. Maddox moved that the House nonconcur in Senate Amendment(s) No(s). 7, 9, 11 and 12 to **House Bill No. 1678**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1375** -- Garnishments and Executions - Prohibits garnishment of payments to state contractors and vendors; requires service of judgment on department commissioner and fiscal officer; voids judgments against state if garnished employee or officer not owed wages. Amends TCA Title 26, Chapter 2, Part 2. by *Kent, *Boyer, *Scroggs. (SB1652 by *Clabough, *Atchley)

Senate Amendment No. 3

AMEND House Bill No. 1375 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 26-2-221 is amended by deleting the section in its entirety and by substituting instead the following:

Garnishment of salaries, wages or other compensation due from the state, or from any county or municipality, to any officer or employee thereof, is permissible. Garnishment of compensation due from the state to contractors or vendors of the state is permissible. No such officer, employee, contractor, or vendor may validly claim any privilege or immunity in that regard. Such officer, employee, contractor, or vendor shall be entitled to an exemption of the amount of wages, salary, or compensation so due as is exempt from levy or garnishment in favor of officers, employees, contractors, or vendors of private corporations in like circumstances. However, notwithstanding any other provision of law to the contrary, nothing set forth herein shall be construed to apply to or to allow garnishments of state compensation to contractors or vendors of the state where the state determines that payment of such garnishment would result in an interruption of essential state services.

SECTION 2. Tennessee Code Annotated, Section 26-2-222 is amended by deleting the section in its entirety and by substituting instead the following:

(a) In case of garnishment of officers, employees, contractors, or vendors of the state, garnishment notice may issue from any court or any court of record and shall be served upon the commissioner of that department in which such officer, employee, contractor, or vendor shall be engaged, or with which he or she is connected. The date of service shall be the date upon which service upon the commissioner has been accomplished. If such garnishment is not served as set forth above, such service shall be considered ineffective, and the state shall not be liable for any sums due thereunder. Such commissioner, or his or her designee, is directed to make answer to such garnishment notice or summons, stating the compensation, if any, due any state officer, employee, contractor, or vendor so garnished. Such commissioner is directed to withhold any amounts then due the state officer, employee, contractor, or vendor up to and including the amount of the judgment and costs on which the garnishment proceedings were predicated, until the garnishment is released by the issuing court or such funds are paid into that court, as provided by law, and is directed to pay to such officer, employee, contractor, or vendor any amount or sum which may be due such officer, employee, contractor, or vendor above the amount of such judgment and costs, or if applicable, above the amount of each periodic payment made from successive pay periods.

(b) In addition to the amount of the disposable earnings subject to garnishment, the State Department of Finance and Administration shall be entitled to retain an administrative fee of five (\$5.00) dollars due from the judgment debtor at the time of each payment made to the court as a result of the garnishment. The five (\$5.00) dollar fee will be retained from the balance of the judgment debtor's earnings remaining after deducting the payment made to the garnishing court. If the maximum garnishable amount has been reached prior to retaining the five (\$5.00) dollar fee, then such amount due shall remain owing to the state until paid.

(c) The time at which the garnishment lien attaches to the amounts due the state officer, employee, contractor, or vendor shall be seven (7) business days from the date of service of the garnishment.

(d) If the commissioner in the department in which the officer, employee, contractor, or vendor works, or the commissioner's duly authorized agent or attorney, fails to appear and answer such garnishment, it shall be presumed that the state is indebted to the officer, employee, contractor, or vendor to the full amount of the judgment creditor's demand, and thereupon a conditional judgment may be entered against the state for the judgment to the extent of the garnishable funds paid out by the state which were due the debtor during the period the garnishment was effective.

(e) After the entry of such conditional judgment a scire facias shall issue to the commissioner of the department in which the garnisheed officer, employee, contractor, or vendor works, returnable to the next term of the court or to a day and place fixed by the court, to show cause why final judgment should not be entered against the state.

(f) Upon the return of such scire facias, fully served upon the commissioner of the department in which the garnisheed officer, employee, contractor, or vendor works, and upon the failure of the state to appear and show cause, the conditional judgment against the state shall be made final. In such event, the commissioner is directed to pay any such judgment and deduct the amount thereof from wages, salaries, or other compensation owing to such officer, employee, contractor, or vendor garnisheed under this part. Notwithstanding the foregoing, in any case in which judgment is obtained under the provisions of this section, if there is no compensation due such officer, employee, contractor, or vendor so garnisheed during the period such garnishment was effective, such judgment against the state shall be void and unenforceable.

(g) Any process required to be served under this section may be served, pursuant to the Rules of Civil Procedure, by a private process server.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall be effective upon becoming a law, the public welfare requiring it.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1375**, which motion prevailed by the following vote:

Ayes	94
Noes.....	0

THURSDAY, JUNE 14, 2001 – FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1543** -- Historical Sites and Preservation - Transfers jurisdiction and control of Chucalissa Indian Village and Museum from University of Memphis to department of environment and conservation. by *Dixon. (HB1173 by *Cooper B, *Turner (Shelby), *Shaw, *Bowers, *Armstrong, *Jones U (Shelby), *Miller L, *Langster, *DeBerry L)

Rep. Cooper moved that Senate Bill No. 1543 be reset for the Message Calendar on June 18, 2001, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Tidwell moved to lift from the table the motion to reconsider action in passing Senate Bill No. 1344, which motion prevailed.

***Senate Bill No. 1344** -- Highway Signs - "Richard Boyd Bridge," Hardin Creek on U.S. 64 in Wayne County. by *Wilder, *Haun. (HB1567 by *Tidwell, *White)

Rep. Tidwell moved to reconsider action in passing Senate Bill No. 1344, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was withdrawn.

Rep. Tidwell moved that Senate Bill No. 1344 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1344 By deleting all the language between the caption and the enacting clause and by substituting instead the following:

WHEREAS, from time to time, the members of this General Assembly have seen fit to name certain highways and bridges to honor the memory of those exemplary public servants who, during their lifetimes, contributed significantly to the growth and prosperity of their respective communities; and

WHEREAS, no Tennessean is more deserving of this honor than the late Richard "Dick" Boyd, formerly of the Hardin Creek community of Wayne County; and

WHEREAS, Dick Boyd served his fellow farmers and citizens with distinction as President of the Wayne County Co-op Board of Directors and as a member of the Board of Directors of the Wayne County Farm Bureau; and

WHEREAS, Dick Boyd was a person of impeccable morals and irreproachable integrity, who worked assiduously to establish a brighter future for the good people of Wayne County as a dedicated and astute member of the County Court; and

WHEREAS, he also served his fellow citizens faithfully and energetically in numerous other capacities and he selflessly devoted his time and energies to making Wayne County a better place to live; and

WHEREAS, in appreciation of his meritorious record of public service, the Wayne County Legislative Body has memorialized this body to name a certain bridge to permanently commemorate Dick Boyd's bountiful life of purpose and commitment to the greater good; and

WHEREAS, this General Assembly most heartily concurs with this excellent proposal; now, therefore,

AND FURTHER AMEND By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Notwithstanding any other provision of law to the contrary, the bridge spanning Hardin Creek on U.S. Highway 64 in Wayne County is hereby designated as the "Dick Boyd Memorial Bridge".

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such bridge as the "Dick Boyd Memorial Bridge".

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5. (1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufactures such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Tidwell moved that **Senate Bill No. 1344**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1731** -- Safety - Alters certain requirements pertaining to use of certain restraint systems in passenger motor vehicles. Amends TCA Title 55, Chapter 9, Part 6. by *Ford J. (HB1559 by *Brooks, *Towns, *Turner (Hamilton), *Brown)

Rep. Brooks moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1 and 2 to **Senate Bill No. 1731**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 1731**

Pursuant to **Rule No. 73**, Representative Brooks moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1731, which motion prevailed.

The Speaker appointed Representatives Brooks, White, Brown, Buttry and Stanley as the House members of the Conference Committee on Senate Bill No. 1731.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by *Buck, *Jones U (Shelby), *DeBerry J, *Miller L, *Pleasant, *Kent, *Cole (Carter). (SB1801 by *Dixon)

Further consideration of House Bill No. 1548 previously considered on today's Calendar.

On motion, House Bill No. 1548 was made to conform with **Senate Bill No. 1801**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1801 be passed on third and final consideration.

Rep. Buck moved to substitute Amendment No. 2 with Judiciary Committee Amendment No. 1, which motion prevailed.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1801 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-6-209, is amended by deleting the word "and" at the end of subsection (b)(5); by deleting the period at the end of subsection (b)(6) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(7) As a pilot project, in any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, the right thumbprint of the pledgor, provided that if taking the right thumbprint is not possible the pawnbroker shall take a fingerprint from the left thumb or another finger and shall identify on the pawn ticket which finger has been used. A thumb or fingerprint taken pursuant to this subpart shall be maintained by the pawnbroker for a period of five (5) years from the date of the pawn transaction.

SECTION 2. Tennessee Code Annotated, Title 45, Chapter 6, Part 2, is amended by adding the following new sections:

Section 45-6-222. (a) The following procedure shall be employed when a law enforcement officer, as defined in §39-11-106, seeks to obtain a subpoena for the production of a thumbprint taken and maintained pursuant to § 45-6-209(b)(7) for the purpose of establishing, investigating or gathering evidence for the prosecution of a criminal offense.

(b) If the officer has reason to believe that a criminal offense has been committed or is being committed and that requiring the production of a thumbprint in the possession of a pawnbroker is necessary to establish who committed or is committing the offense or to aid in the investigation and prosecution of the person or persons believed to have committed or believed to be committing the offense, the officer shall prepare an affidavit in accordance with subsection (c).

(c) An affidavit in support of a request to compel the production of a thumbprint from a pawnbroker shall state with particularity the following:

(1) A statement that a specific criminal offense has been committed or is being committed and the nature of such offense;

(2) The articulable reasons why the law enforcement officer believes the production of the thumbprint requested will materially assist in the investigation of the specific offense committed or being committed;

(3) The name and address of the pawnbroker maintaining the thumbprint; and

(4) The nexus between the thumbprint requested and the criminal offense committed or being committed.

(d) (1) Upon preparing the affidavit, the law enforcement officer shall submit it to either a judge of a court of record or a general sessions judge who serves the officer's county or city of jurisdiction. The judge shall examine the affidavit and may examine the affiants under oath. The judge may grant the request for a subpoena to produce the thumbprint requested if the judge finds that the affiants have presented a reasonable basis for believing that:

(A) A specific criminal offense has been committed or is being committed;

(B) Production of the requested thumbprint will materially assist law enforcement in the establishment or investigation of such offense;

(C) There exists a clear and logical nexus between the thumbprint requested and the offense committed or being committed; and

(D) The scope of the request is not unreasonably broad or the thumbprint unduly burdensome to produce.

(2) If the judge finds that all of the criteria set out in subsection (d)(1) do not exist as to the thumbprint requested, the judge shall deny the request for subpoena.

(e) The affidavit filed in support of any request for the issuance of a subpoena pursuant to this section shall be filed with and maintained by the court. If a subpoena is issued as the result of such an affidavit, such affidavit shall be kept under seal by the judge until a copy is requested by the district attorney general, criminal charges are filed in the case, or the affidavit is ordered released by a court of record for good cause.

(f) A subpoena granted pursuant to this section by a judge of a court of record shall issue to any part of the state and shall command the pawnbroker to whom it is directed to produce any thumbprint that is specified in such subpoena to the law enforcement officer and at such reasonable time and place as is designated in the subpoena. A subpoena granted pursuant to this section by a judge of a court of general sessions shall in all respects be like a subpoena granted by the judge of a court of record but shall issue only within the county in which such sessions judge has jurisdiction. The court shall prepare or cause to be prepared the subpoena and it shall describe the specific thumbprint requested and set forth the date and manner it is to be delivered to the officer.

(g) If the subpoena is issued by a judge of a court of record, it may be served by the officer in any county of the state by personal service, certified mail, return receipt requested, or by any other means with the consent of the person named in the subpoena. If the subpoena is issued by a judge of a general sessions court it shall be served by an officer with jurisdiction in the county of the issuing judge but may be served by personal service, certified mail, return receipt requested, or by any other means with the consent of the person named in the subpoena. The officer shall maintain a copy of the subpoena and endorse thereon the date and manner of service as proof thereof.

(h) No pawnbroker shall be excused from complying with a subpoena for the production of a thumbprint maintained by such pawnbroker issued pursuant to this section on the ground that production of the requested thumbprint may tend to incriminate such pawnbroker. Any pawnbroker claiming such privilege against self incrimination must assert such claim before the court issuing the subpoena promptly and before the time designated for compliance therewith. If the district attorney general thereafter certifies to the court that the interests of justice demands the production of the thumbprint for which the claim of privilege is asserted, then the court shall order the production of such thumbprint and no such pawnbroker shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning the requested thumbprint the pawnbroker was compelled to produce.

(i) No subpoena for the production of a thumbprint as authorized by this section shall be directed to, or served upon, any defendant, or his counsel, in a criminal action in this state, any person who is suspected of committing a criminal offense or any person who is the subject of a criminal investigation.

(j) If any pawnbroker, without cause, refuses to produce the requested thumbprint within the time and manner designated for compliance by the issuing judge, the district attorney shall seek a writ of attachment from the issuing court to seize the pawnbroker within the state and that pawnbroker may be held in civil contempt and committed to jail therein to remain without bail until willing to comply with the subpoena as the law directs.

Section 45-6-223. (a) No law enforcement officer or agency shall use any thumb or other print obtained pursuant to § 45-6-222, for the purpose of racial profiling.

(b) (1) Any person residing within the jurisdiction of the law enforcement officer or agency alleged to have violated this section may petition the chancery or circuit court of such county for injunctive relief under this act. The court in which such a petition is filed shall conduct a show cause hearing to determine if thumb or other prints obtained pursuant to § 45-6-222 have been used by a law enforcement officer or agency for the purpose of racial profiling.

(2) If the court finds by a preponderance of evidence that a violation of this section has occurred, it shall grant an injunction prohibiting such officer or agency from obtaining thumb or other prints pursuant to § 45-6-222 for the period specified in subsection (c) of this section.

(3) If the court finds by a preponderance of evidence that a violation of this section has not occurred, it shall deny the petition for an injunction.

(c) (1) A law enforcement officer or agency who violates the provisions of this section for the first time shall be enjoined from requesting subpoena's for the production of thumb or other prints pursuant to § 45-6-222 for a period of six (6) months.

(2) A law enforcement officer or agency who violates the provisions of this section for the second time shall be enjoined from requesting subpoena's for the production of thumb or other prints pursuant to § 45-6-222 for a period of one (1) year.

(3) A law enforcement officer or agency who violates the provisions of this section for a third or subsequent time shall be permanently enjoined from requesting subpoena's for the production of thumb or other prints pursuant to § 45-6-222.

Section 45-6-224. (a) All pawnshops that are required to take and maintain thumb or other prints pursuant to § 45-6-209(b)(7) shall be required to place a sign at least ten inches by fourteen inches (10" X 14") in a prominent location reasonably close in proximity to the place where the pawn transaction will occur. Such sign shall contain language in bold type substantially similar to the following:

WARNING! IF YOU CONDUCT A PAWN TRANSACTION AT THIS ESTABLISHMENT YOU WILL BE REQUIRED TO GIVE A THUMBPRINT BEFORE SUCH TRANSACTION MAY BE COMPLETED AND YOUR THUMBPRINT MAY BE OBTAINED AND USED BY THE POLICE.

(b) Any pawnbroker who fails to comply with the provisions of this section shall be subject to a civil penalty of one hundred dollars (\$100) and such noncompliance shall be grounds for the suspension of such pawnbroker's license.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Rhinehart moved that Senate Bill No. 1801 be reset for the heel of the Regular Calendar on June 18, 2001, which motion failed.

Rep. Newton moved the previous question Amendment No. 1, which motion prevailed by the following vote:

Ayes	56
Noes	25
Present and not voting	1

THURSDAY, JUNE 14, 2001 – FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davis (Washington), Ferguson, Ford, Givens, Goins, Hagood, Harwell, Hood, Jones U, Kent, Kisber, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rinks, Roach, Rowland, Scroggs, Stanley, Tidwell, Tindell, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Armstrong, Arriola, Baird, Brooks, Brown, Cooper, Fitzhugh, Fowlkes, Fraley, Garrett, Hargrove, Johnson, Jones S, Lewis, McMillan, Phillips, Pruitt, Rhinehart, Ridgeway, Sargent, Shaw, Shepard, Towns, Turner (Hamilton), Turner (Shelby) -- 25.

Representatives present and not voting were: Kernell -- 1.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Boyer moved to take up Amendment No. 17, out of order, which motion prevailed.

Rep. Boyer moved adoption of Amendment No. 17 as follows:

Amendment No. 17

AMEND Senate Bill No. 1801 by deleting from the amendatory language of Section 1 as amended, the language "according to the 1990" and by inserting instead the language "and in any county having a population of not less than three hundred eighty-two thousand (382,000) nor more than three hundred eighty-two thousand one hundred (382,100) according to the 2000".

Rep. Buck moved adoption of Amendment No. 1 to Amendment No. 17 as follows:

Amendment No. 1 to 17

AMEND Senate Bill No. 1801 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 to Amendment No. 17 was adopted.

Rep. Hargett moved the previous question on Amendment No. 17 as amended, which motion prevailed.

Rep. Boyer moved that Amendment No. 17 as amended, be adopted which motion prevailed.

Rep. Buck moved to take up Amendment No. 12, out of order, which motion prevailed.

Rep. Bittle moved adoption of Amendment No. 12 as follows:

Amendment No. 12

AMEND Senate Bill No. 1801 by adding the following new section immediately preceding the severability clause section and by renumbering the subsequent sections accordingly:

SECTION ____ Tennessee Code Annotated, Section 45-6-209, is amended by adding the following new appropriately lettered new subsections:

(1) Notwithstanding the provisions of this section to the contrary, in counties or municipalities that require a thumbprint pursuant to subsection (b)(7) of this section, if the pawn transaction involves a firearm, the pawnbroker shall exclude from the information sent to law enforcement pursuant to subsection (b)(1)–(b)(6) of this section, the name, address and identification numbers required by subsection (b)(6) of the pledgor pawning the firearm. The name, address and identification numbers of the pledgor shall remain with the pawnbroker along with the pledgor's thumbprint. A law enforcement officer inspecting a record involving a firearm pursuant to subsections (d) or (e) of this section shall not take or record the name, address and identification numbers of the pledgor except pursuant to a subpoena as provided in subpart (2) of this subsection.

(2) If a court grants the request of a law enforcement officer for a subpoena to require the production of the thumbprint of a pledgor taken and maintained pursuant to subsection (b)(7) of this section pursuant to the procedure set out in this section, the pawnbroker shall at the same time supply the law enforcement officer with the name, address and identification numbers of the pledgor whose thumbprint was subpoenaed.

(1) It is an offense for a law enforcement officer or agency to use any information supplied by a pawnbroker pursuant to the provisions of this section to create or maintain a separate registry, list or database of persons who own firearms.

(2) A violation of this subsection is a Class A misdemeanor.

Rep. Buttry moved the previous question on Amendment No. 12, which motion prevailed by the following vote:

Ayes	58
Noes	23
Present and not voting	1

THURSDAY, JUNE 14, 2001 – FORTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Dyer), Curtiss, Davidson, Davis (Washington), Ferguson, Ford, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Hood, Johnson, Langster, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Tindell, Turner (Davidson), Vincent, Walker, West, Westmoreland, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Arriola, Bowers, Briley, Brooks, Brown, Chumney, Clem, Cooper, DeBerry J, Fowlkes, Fraley, Hargrove, Jones S, Jones U, Maddox, McMillan, Miller, Phillips, Rhinehart, Shaw, Towns, Turner (Hamilton), Turner (Shelby) -- 23.

Representatives present and not voting were: Kernell -- 1.

On motion, Amendment No. 12 was adopted by the following vote:

Ayes	66
Noes	21
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis (Washington), Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Harwell, Hood, Johnson, Jones S, Kent, Kisber, Maddox, McCord, McDaniel, McDonald, McKee, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Pinion, Pleasant, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shepard, Stanley, Tindell, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Bowers, Briley, Brooks, Brown, Clem, Cooper, Davidson, DeBerry J, Jones U, Kernell, Lewis, McMillan, Miller, Phillips, Rhinehart, Shaw, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Williams -- 21.

Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

Rep. West moved to re-refer Senate Bill No. 1801 to the House Judiciary Committee.

Rep. Buck moved that the motion to re-refer Senate Bill No. 1801 to the House Judiciary Committee be tabled, which motion failed by the following vote:

Ayes	45
Noes	47
Present and not voting	1

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, DeBerry J, Givens, Hagood, Hargett, Johnson, Jones U, Kent, Maddox, McDaniel, McKee, Miller, Overbey, Patton, Phelan, Pinion, Pleasant, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shepard, Stanley, Tindell, Walker, Westmoreland, White, Williams, Windle, Wood, Mr. Speaker Naifeh -- 45.

THURSDAY, JUNE 14, 2001 – FORTY-NINTH LEGISLATIVE DAY

Representatives voting no were: Arriola, Bone, Bowers, Briley, Brooks, Clem, Cole (Carter), Cooper, Davidson, Davis (Washington), Davis (Cocke), Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hargrove, Harwell, Head, Hood, Jones S, Kernell, Kisber, Langster, Lewis, McCord, McDonald, McMillan, Mumpower, Newton, Phillips, Pruitt, Rhinehart, Ridgeway, Sharp, Shaw, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, Whitson, Winningham -- 47.

Representatives present and not voting were: Brown -- 1.

Rep. West moved to re-refer Senate Bill No. 1801 to the House Judiciary Committee, which motion failed by the following vote:

Ayes	43
Noes	46

Representatives voting aye were: Arriola, Beavers, Bone, Bowers, Briley, Brooks, Brown, Clem, Cole (Carter), Cooper, Davidson, Davis (Cocke), Ferguson, Ford, Fowlkes, Fraley, Garrett, Goins, Harwell, Head, Johnson, Kernell, Kisber, Lewis, McCord, McDonald, McMillan, Newton, Phelan, Phillips, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sharp, Shaw, Tidwell, Turner (Hamilton), Turner (Shelby), Vincent, West, Whitson -- 43.

Representatives voting no were: Armstrong, Baird, Bittle, Black, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, DeBerry J, Givens, Hagood, Hargett, Hargrove, Hood, Jones U, Kent, Langster, Maddox, McDaniel, McKee, Miller, Montgomery, Overbey, Patton, Pinion, Pleasant, Rhinehart, Sands, Sargent, Scroggs, Shepard, Stanley, Tindell, Turner (Davidson), Walker, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 46.

Rep. Buck moved that Senate Bill No. 1801 be reset for the Regular Calendar on June 18, 2001, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Montgomery moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 560 out of order, which motion prevailed.

House Joint Resolution No. 560 -- Naming and Designating - Designates August, 2001, as Celebrate Freedom Month. by *Montgomery.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Montgomery, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 561 out of order, which motion prevailed.

House Joint Resolution No. 561 -- Memorials, Retirement - Jackie Donaldson. by *Hargrove, *Ridgeway, *Shepard.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Caldwell moved that the rules be suspended to allow the information spread on the members' desk on **House Bill No 1548/Senate Bill No. 1801** to not be reprinted, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 14: Rep(s). Cole (Dyer) as prime sponsor(s).

ENROLLED BILLS

June 14, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 525, 1375 and 1603.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 14, 2001

The Speaker signed the following: House Bill(s) No(s). 525, 1375 and 1603.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 525, 527, 528, 529, 530, 532, 533, 534, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548 and 549; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENROLLED BILLS

June 14, 2001

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 525, 527, 528, 529, 530, 532, 533, 534, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548 and 549.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 14, 2001

The Speaker signed the following: House Joint Resolution(s) No(s). 525, 527, 528, 529, 530, 532, 533, 534, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548 and 549.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 525, 1375, 1603; also, House Joint Resolution(s) No(s). 525, 527, 528, 529, 530, 532, 533, 534, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548 and 549; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

June 14, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 525, 1375, 1603; also, House Joint Resolution(s) No(s). 525, 527, 528, 529, 530, 532, 533, 534, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548 and 549.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1618.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 1.

The Speaker appointed a Conference Committee composed of Senators Trail, Jackson, Harper, Blackburn, Ramsey and Carter to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1618.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

June 14, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 560 and 561.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

June 14, 2001

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 149, 150, 151 and 152; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

June 14, 2001

The Speaker signed the following: House Resolution(s) No(s). 149, 150, 151 and 152.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1693; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

June 14, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2019, also, House Joint Resolution(s) No(s). 550, 553, 554, 555 and 556.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1203; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE GOVERNOR

June 14, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 526, with his approval.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE

June 14, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 633, 891, 1318, 1487, 1789 and 1990; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

SIGNED

June 14, 2001

The Speaker signed the following: Senate Bill(s) No(s). 633, 891, 1318, 1487, 1789 and 1990.

CONSENT CALENDAR

June 14, 2001

The following local bills have been placed on the Consent Calendar for **June 18, 2001**: House Bill(s) No(s). 2000.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kemell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 4:00 p.m., Monday, June 18, 2001.